

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERIC TAYLOR and
ANJANETTE TAYLOR,

Plaintiffs,

v.

Case No. 05-71728

TROOPER LISS, TROOPER SATTLER,
TROOPER BOYLE, OFFICER
RAYMOND FAES, SERGEANT
CRAWFORD, OFFICER TAYLOR and
OFFICER BRIAN HAWK,

Honorable Patrick J. Duggan

Defendants.

ORDER GRANTING PLAINTIFFS' MOTION TO AMEND

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on February 7, 2006.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

This action was originally filed in the Wayne County Circuit Court on March 14, 2005 naming the above listed Defendants. It was removed to this Court on May 2, 2005.

Presently before the Court is Plaintiffs' Motion to Amend the Complaint to add an additional defendant - - DEA Special Agent Debra Lynch.

Defendants Boyle and Faes object to Plaintiffs' Motion to Amend Complaint. The basis for these Defendants' objections is that Plaintiffs knew of the identity of Debra Lynch "on or before October 25, 2005," and therefore should not have waited until January 25, 2006 to file this motion. Furthermore, these Defendants contend that granting this motion to

amend will cause the presently scheduled dates to be changed in order to “give her an opportunity to answer, conduct discovery, and file a motion for summary judgment.”

While these Defendants believe that the present dates will have to be changed, the Court is not presently convinced that will be necessary.¹

Rule 15(a) of the Federal Rules of Civil Procedure provides, in pertinent part: “[A] party may amend the party’s pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires.” The Rule was intended to “reinforce the principle that cases should be tried on their merits rather than the technicalities of pleadings.” *Teft v. Seward*, 689 F.2d 637, 639 (6th Cir. 1982). To deny a motion to amend, the district court must find “at least some significant showing of prejudice to the opponent.” *Moore v. City of Paducah*, 790 F.2d 557, 562 (6th Cir. 1986). Defendants Boyle and Faes have not persuaded this Court that they will be prejudiced if Debra Lynch is added as a party defendant.

Therefore,

IT IS ORDERED that Plaintiffs’ Motion to Amend Complaint is **GRANTED**. Plaintiffs shall file the amended complaint within 7 days of the date of this Order and shall effect service of process upon Debra Lynch as soon as possible.

¹If after Defendant Lynch has been served, she requests additional time for discovery and/or to file a motion for summary judgment, the Court will certainly give consideration to that request. However, the granting of this motion will not necessarily entitle Plaintiffs to conduct discovery beyond the present discovery cut-off date of January 31, 2006.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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